

Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

GP08-08-05. General Plan Amendment request to change the Land Use/Transportation Diagram designation from Low Density Residential (up to 5 dwelling units per acre) to Office on a .69-acre portion of a 2.98-acre parcel located at 4203 San Felipe Road on the west side of San Felipe Road approximately 600 feet south of Delta Road (Dennis Wong, Owner / Reyad Katwan, Hawkstone, LLC, Applicant).
Council District: 8

California State Law requires the City of San José to conduct environmental review for all pending projects. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. Based on an initial study, the Director of Planning, Building & Code Enforcement has concluded that the project described above will not have a significant effect on the environment. The project location **does not** contain a listed toxic site.


The purpose of this notice is to inform the public of the Director's intent to adopt a Negative Declaration for the proposed project on November 17, 2008, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on October 28, 2008 and ends on November 17, 2008 at 5 p.m. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance.

The draft Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

For additional information, please call Rachel Roberts at (408) 535-7860 or Susan Walsh at (408) 535-7910.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 28, 2008



Deputy

**DRAFT
NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: San Felipe

PROJECT FILE NUMBER: GP08-08-05

PROJECT DESCRIPTION: General Plan Amendment request to change the Land Use/Transportation Diagram designation from Low Density Residential (up to 5 dwelling units per acre) to Office on a 0.69-acre portion of a 2.98-acre parcel.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 4203 San Felipe Road located on the west side of San Felipe Road approximately 600 feet south of Delta Road; APN: 676-36-005

COUNCIL DISTRICT: 8

APPLICANT CONTACT INFORMATION: Reyad Katwan, Hawkstone, LLC, 3750-B Charter Park Drive, San Jose, CA 95136

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- III. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings; therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on November 17, 2008 any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 28, 2008



Deputy

Adopted on: _____

Deputy

Revised 10/19/07 JAC

NOTICE OF PUBLIC HEARINGS

City of San Jose, City Hall
200 East Santa Clara Street, City Council Chambers, Wing 2nd Floor

Fall 2008 Hearings on General Plan Amendments

Planning Commission: Wednesday, November 19, 2008 6:30 p.m.

City Council: Tuesday, December 16, 2008, 7:00 p.m.

General Plan Amendment File No. (GP08-08-05):

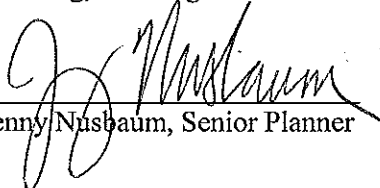
Proposal to amend the General Plan land use designation for a property located on the west side of San Felipe Road approximately 600 feet south of Delta Road (4203 San Felipe Road)(see map on back) to change the Low Density Residential designation (up to 5 dwelling units per acre) to an Office designation on a .69-acre portion of a 2.98-acre parcel. Approval of this General Plan amendment would allow business or professional office uses at this location. The General Plan amendment request is for a land use change only. No new development is being proposed at this time. CEQA: Negative Declaration.

You are invited to participate in the above public hearings. The Planning Commission will make a recommendation to the City Council, and the City Council will make the final decision on the proposed General Plan amendment. Please note that the San Jose 2020 General Plan reflects the long-range future growth for the City. A change in the General Plan land use designation would only affect the type and intensity of future development allowed on the subject property. The proposed amendment to the General Plan for the above referenced property would not change the zoning district of the property. Zoning changes occur through the rezoning process, which is separate from the General Plan amendment process.

The General Plan amendment (File No. **GP08-08-05**) being considered is a request to change the Land Use/Transportation Diagram designation from Low Density Residential (5 DU/AC) to Office on a .69-acre portion of a 2.98-acre parcel located on the west side of San Felipe Road approximately 600 feet south of Delta Road (Dennis Wong, Owner / Reyad Katwan, Hawkstone, LLC, Applicant) (APN 676-36-005). Council District: 8. SNI: None CEQA: Negative Declaration.

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Rachel Roberts**, at (408) 535-7860. Documents for this project are on file and available for review at: **Planning, Building and Code Enforcement, 200 East Santa Clara Street, San Jose, CA 95113**. Reports and documents will also available online at: http://www.sanjoseca.gov/planning/hearings/planning_com.asp one week prior to the scheduled hearing.

Joseph Horwedel, Director
Planning, Building and Code Enforcement


Jenny Nushbaum, Senior Planner

Date: 10/28/08

GENERAL PLAN AMENDMENT REQUEST to change the Land Use/Transportation Diagram designation from Low Density Residential (5 DU/AC) to Office on a .69-acre portion of a 2.98-acre parcel located on the west side of San Felipe Road approximately 600 feet south of Delta Road (Dennis Wong, Owner / Reyad Katwan, Hawkstone, LLC, Applicant) (APN 676-36-005). Council District: 8. SNI: None CEQA: Negative Declaration.

Existing General Plan Designation:

Low Density Residential
(5 dwelling units per acre)

This density is typified by 8,000 square-foot lots. This density category responds both to the need for slightly larger than normal lots to prevent excess grading on slopes between the five and fifteen percent of the slope line and to the need to provide a variety of lot and house sizes within the City. This density is found throughout the Almaden Valley and eastern Evergreen and in the foothill areas of Edenvale, Alum Rock and Berryessa.

Proposed General Plan Designations:

Office

The primary allowed uses in this category are business and professional offices. Retail and other commercial uses may be allowed only as secondary uses in a larger office development. Development should be of low intensity and compatible with surrounding uses. This designation can be used on margins of residential neighborhoods because it is not intrusive.



* Project boundaries are estimates
Noticing Radius: 500 feet

File No: GP08-08-05

District: 8

Quad No: 101

To arrange an accommodation under the Americans with Disabilities Act to participate in these public hearings, please call (408) 294-9337 (TTY) at least 48 hours before the hearing. This document can be made available upon request in alternative formats such as Braille, large print, audiotape, or computer disk. Requests can be made by calling (408) 535-3500 (Voice) or (408) 294-9337 (TTY).

If you choose to challenge this land use decision in court, you may be limited to only those issues that you or someone else raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing. Reports including the staff report and recommendation are available a week before the public hearing. Additionally, a public packet will be available for review at the hearing.

Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883.
Para información en Español acerca de esta solicitud, comuníquese con Ben Corrales al (408) 535-7868